

BOARD OF DIRECTORS' REGULAR MEETING

September 4, 2002

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:30 a.m. in the 7th floor Board room at the Air District headquarters, 939 Ellis Street, San Francisco, California.

Questions About an Agenda Item

The name, telephone number and e-mail of the appropriate staff person to contact for additional information or to resolve concerns is listed for each agenda item.

Meeting Procedures

The public meeting of the Air District Board of Directors begins at 9:30 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, <u>any item</u> may be considered in <u>any order</u>.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

BOARD OF DIRECTORS' REGULAR MEETING A G E N D A

WEDNESDAY September 4, 2002 9:30 A.M. BOARD ROOM 7TH FLOOR

CALL TO ORDER

Opening Comments
Roll Call
Pledge of Allegiance
Commendations/Proclamations

Randy Attaway, Chairperson Clerk of the Boards

Clean Air Champions Awards 2002

PUBLIC COMMENT PERIOD

Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Board's subject matter jurisdiction. Speakers will be limited to five (5) minutes each.

CONSENT CALENDAR (ITEMS 1 – 9)

Staff/Phone (415) 749-

1. Minutes of August 7, 2002

M. Romaidis/4965

mromaidis@baaqmd.gov

2. Communications

5.

W. Norton/5052

exec@baaqmd.gov

Information only

3. Report of the Advisory Council

R. Sawyer/4962

4. Monthly Activity Reports

rsawyer@me.berkeley.edu
P. Hess/4971

Division Activities for the month of July, 2002

phess@baaqmd.gov

Report of District Personnel on Out of State Travel

W. Tanaka/5066

wtanaka@baaqmd.gov

6. Set Public Hearing for October 16, 2002 to Consider Proposed Amendments to Regulation 8: Rules 4, General Solvent and Surface Coating Operations; Rule 14, Surface Coating of Large Appliances and Metal Furniture; Rule 19, Surface Coating Miscellaneous Metal Parts and Products; Rule 31, Surface Coating of Plastic Parts and Products; and Rule 43, Surface Coating of Marine Vessels

T. Perardi/4667

tperardi@baaqmd.gov

7. Set Public Hearing for October 16, 2002 to Consider Proposed Amendments to Regulation 8; Rule 16: Solvent Cleaning Operations

T. Perardi/4667

tperardi@baaqmd.gov

8. Set Public Hearing for November 6, 2002 to consider amendments to Regulation 8; Rule 5: Storage of Organic Liquids

T. Perardi/4667

tperardi@baaqmd.gov

9. Set Public Hearing for November 6, 2002, to consider amendments to Regulation 8; Rule 7: Gasoline Dispensing Facilities T. Perardi/4667

tperardi@baaqmd.gov

COMMITTEE REPORTS AND RECOMMENDATIONS

10. Report of the **Mobile Source Committee** Meeting of August 8, 2002 **CHAIR PRO TEM: S. HAGGERTY**

W. Norton/5052

exec@baaqmd.gov

The Mobile Source Committee recommends Board approval of the Action(s): following:

- A. Approve the use of \$1 million of Diesel Back-up Generator Mitigation Funds as incentives for public agencies to install particulate matter filters on their heavy-duty diesel fleet.
- B. Approve the selection of Izabal, Bernaciak & Company as the fiscal auditor for Transportation Fund for Clean Air Regional Fund projects.
- C. Authorize the Air Pollution Control Officer to execute a contract with Izabal, Bernaciak & Company in the amount of \$129,460 for auditing services.
- D. Approve the selection of Environmental Engineering Studies, Pick-N-Pull and Pick Your Part as the contractors for the District's FY 2002/03 Vehicle Buy Back Program
- Authorize the Air Pollution Control Officer to execute contracts up to \$750,000 with Pick-N-Pull, \$750,000 with Pick Your Part, and \$500,000 with Environmental Engineering Studies for vehicle scrapping and related services.
- 11. Report of the **Public Outreach Committee** Meeting of August 12, 2002 **CHAIR: J. MILLER**

W. Norton/5052

exec@baaqmd.gov

12. Report of the **Personnel Committee** Meeting of September 4, 2002

CHAIR: D. MOSSAR

W. Norton/5052

exec@baaqmd.gov

The Committee may recommend Board approval of Proposed Amendments to Action(s): the District Administrative Code Division II, Section 13: Method of Filling Vacancies.

OTHER BUSINESS

- 13. Report of the CEO/Executive Secretary
- 14. Report of the Air Pollution Control Officer
- 15. Chairperson's Report

CLOSED SESSION

16. Conference with District's Labor Negotiator (Government Code § 54957.6(a))

> Agency Negotiators: IEDA

Un-Represented Employees: Management and Confidential

CLOSED SESSION CONTINUED

- 17. Report of Personnel Committee Meeting of September 4, 2002
- 18. Closed Session to Conduct Public Employee Performance Evaluation

 Pursuant to Government Code Sections 54957 and 54954.5(e), a performance evaluation will be conducted of the Interim CEO/Executive Secretary, William Norton.
- 19. Consideration of Terms and Conditions of Employment Agreement for Interim CEO/Executive Secretary, William Norton

The Board will consider Employment Agreement with William Norton, Interim CEO/Executive Secretary.

- 20. Conference with Legal Counsel
 - A. Existing Litigation:

Pursuant to Government Code Section 54956.9(a), a need exists to meet in closed session with legal counsel to consider the following cases:

- 1. <u>Stonelight Tile, Inc. and David Anson v. Bay Area AQMD</u>, United States District Court, N.D. Cal., San Jose Division, Case No. CV 98-21060 (JW) (PVT)
- **2.** <u>Makdessian v. City of Mountain View, et al.</u>, United States District Court, N.D. Cal., Case No. C 02 2046 CW
- 3. <u>Communities for a Better Environment and Transportation Defense and Education Fund v. Bay Area AOMD, Metropolitan Transportation Commission, and Association of Bay Area Governments, SFSC No. 323849</u>
- 4. <u>Alvin J. Greenberg, Ph.D. Bay Area AQMD, et al.</u>, United States District Court, N.D. Cal., Case No. C 02 1501 VRW

OPEN SESSION

- 21. Report of Personnel Committee Meeting of September 4, 2002
- 22. Consideration of Terms and Conditions of Employment Agreement with Interim CEO/Executive Secretary

The Board will consider approval of an Employment Agreement with William Norton, Interim CEO/Executive Secretary.

23. Board Members' Comments

Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may; ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)

- 24. Place of Next Meeting 9:30 a.m., Wednesday, September 18, 2002 939 Ellis Street, San Francisco, CA 94109
- 25. Adjournment